

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER SHAPIRO,

Plaintiff,

v.

NEW WAVE FOODS, INC., et al.,

Defendants.

Case No. 18-cv-05812-PJH

**ORDER GRANTING 45-DAY
EXTENSION TO FILE ANY
SETTLEMENT CERTIFICATION**

Re: Dkt. Nos. 36, 40

The court is in receipt of the parties' joint stipulation (Dkt. 40) requesting an additional 45 days to "extend the time for compliance and submission" of any settlement certification detailed in the court's August 19, 2019 conditional dismissal order (Dkt. 36).

The court **GRANTS** the parties' request. This case remains dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within 135 days of its August 19, 2019 order, with proof of service thereof on the opposing party, that the agreed settlement consideration has not been delivered over, the August 19, 2019 order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

If no certification is filed within 135 days of the court's August 19, 2019 order, the conditional dismissal provided in that order shall be **with** prejudice. The parties may, of course, substitute a dismissal with prejudice at any time during this 135-day period.

IT IS SO ORDERED.

Dated: November 14, 2019

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge